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Sixty-third session

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General Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Wednesday, 17 September 2008, at 3 p.m.

Chairman: Mr. d'Escoto Brockmann ..... (Nicaragua)
(President of the General Assembly)

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The meeting was called to order at 3.15 p.m.

Organization of the sixty-third regular session of the General Assembly, adoption of the agenda and allocation of items (*continued*)

Memorandum by the Secretary-General (A/BUR/63/1 and Corr.1)

III. Adoption of the agenda

Heading I. Organizational, administrative and other matters (*continued*)

Item 159. Observer status for the Global Fund to Fight AIDS, Tuberculosis and Malaria in the General Assembly

1. **Mr. Abdelaziz** (Egypt) said that the granting of observer status to the Global Fund in the General Assembly, as proposed by France, would in fact contravene the provisions of General Assembly decision 49/426 of 9 December 1994, which limited such status to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly. While the activities of the Global Fund did indeed cover matters of interest to the General Assembly, the fact that it had already applied for observer status as a non-governmental organization in the Economic and Social Council clearly indicated that it considered itself an NGO, not an intergovernmental organization, and for that reason his delegation opposed the inclusion of the item in the agenda of the sixty-third session.

2. **Mr. Argüello** (Argentina) said that his delegation did not wish to oppose the consensus in favour of the proposal, but requested clarification of the conditions for granting of observer status to the Global Fund. There were examples of other mixed entities, similar to the Global Fund, that had been invited to participate in the work of the General Assembly as observers. However, he shared the Egyptian delegation's concern that granting observer status to the Global Fund might well encourage other entities which were clearly not of an intergovernmental nature to request such status.

3. **Mr. Renié** (France), supported by **Mr. Madureira** (Portugal), **Mr. Yáñez-Barnuevo** (Spain), and **Ms. Adams** (United Kingdom) said that, while the concerns voiced by delegations regarding the application of the rules and the possibility of setting precedents were understandable, the robustly intergovernmental nature of the Global Fund was supported by the fact that governments constituted three-quarters of the Executive Board of the Global Fund, and that 95 per cent of its funding was provided by governments. Since substantive issues regarding applications for observer status were routinely referred to the Sixth Committee, which was charged with considering whether the legal requirements for such status were met, a similar procedure should be followed with respect to the Global Fund.

4. **Mr. Abdelaziz** (Egypt) said that his delegation could not accept arguments that the General Committee should blindly refer the item to the Sixth Committee for consideration. The General Committee was responsible for ensuring that the rules and regulations of the General Assembly were followed, including the previously cited consensus decision of 1994 which had remained unchallenged over the 14 years since it had been taken. Much as the participation of NGOs and the private sector in the activities of the United Nations were valued, those entities should not be allowed to gain back-door access to a status to which they were not entitled. It was therefore incumbent upon the General Committee to reject the request outright or defer consideration thereof to a future meeting of the Committee.

5. **The Chairman** said that he took it that the General Committee wished to defer its consideration of the inclusion of the item to a later date.

6. *It was so decided.*

Item 160. Observer status for the University for Peace in the General Assembly

7. **The Chairman** said that the inclusion of item 160 had been requested by Costa Rica in document A/63/231.

8. *The Committee decided to recommend to the General Assembly the inclusion in the agenda under heading I of item 160.*

Heading I. Organizational, administrative and other matters

9. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading I, taking into account the decisions taken regarding item 107 and items 153 to 160.*

Section IV. Allocation of items

Paragraphs 53 to 55

10. *The Committee took note of the information contained in paragraphs 53 to 55.*

Paragraph 56

11. **The Chairman** said that, in paragraph 56 of his memorandum, the Secretary-General had listed items of the draft agenda which had not been considered previously by the General Assembly. If the members of the Committee agreed, he would first request the Committee to decide on the recommendation it should make regarding the allocation of those items, recommended for inclusion in the agenda for the sixty-third session.

12. *It was so decided.*

Paragraph 60

13. **The Chairman** recalled that, in accordance with paragraph 2 of resolution 54/195, any request by an organization for the granting of observer status in the General Assembly would be considered in plenary meeting after the consideration of the issue by the Sixth Committee. The Committee would therefore proceed accordingly with the consideration of items 153, 154 and 160 concerning observer status.

Item 58 (e). Review and appraisal of the World Programme of Action concerning Disabled Persons

14. **The Chairman** said that, owing to the nature of the item, the Secretary-General had requested that it should be allocated to the Third Committee.

15. *The Committee decided to recommend to the General Assembly that item 58 (e) should be allocated to the Third Committee.*

Item 107 (k). Appointment of the judges of the United Nations Dispute Tribunal

16. **The Chairman** said that, owing to the nature of the item, the Secretary-General had requested that it should be considered in plenary meeting.

17. *The Committee decided to recommend to the General Assembly that item 107 (k) should be considered in plenary meeting.*

Item 107 (l). Appointment of the judges of the United Nations Appeals Tribunal

18. **The Chairman** said that, owing to the nature of the item, the Secretary-General had requested that it should be considered in plenary meeting.

19. *The Committee decided to recommend to the General Assembly that item 107 (l) should be considered in plenary meeting.*

Item 153. Observer status for the South Centre in the General Assembly

20. *The Committee decided to recommend to the General Assembly that item 153 should be allocated to the Sixth Committee.*

Item 154. Observer status for the Agency for International Trade Information and Cooperation in the General Assembly

21. *The Committee decided to recommend to the General Assembly that item 154 should be allocated to the Sixth Committee.*

Item 158. Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law

22. **The Chairman** said that the sponsor had proposed that the item should be considered directly in plenary meeting.

23. *The Committee decided to recommend to the General Assembly that item 158 should be considered in plenary meeting.*

Item 160. Observer status for the University for Peace in the General Assembly

24. *The Committee decided to recommend to the General Assembly that item 160 should be allocated to the Sixth Committee.*

Item 33. Comprehensive review of the whole question of peacekeeping operations in all their aspects

25. *The Committee took note of the information contained in paragraph 61.*

Item 43. Report of the Economic and Social Council

26. *The Committee took note of the information contained in paragraph 62 and decided to recommend that the General Assembly, when considering item 43 in its entirety in plenary meeting, should take note of the clarification that, in implementing resolution 58/316, the relevant parts of chapter I of the report of the Economic and Social Council would be considered by the Main Committees concerned, under agenda items already allocated to them, for final action by the Assembly.*

Item 47. Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

27. *The Committee took note of the information contained in paragraph 63.*

Item 47. Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Item 109. Follow-up to the outcome of the Millennium Summit

28. *The Committee took note of the information contained in paragraph 64.*

Item 51. Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

29. *The Committee took note of the information contained in paragraph 65.*

Item 55 (b). Groups of countries in special situations: specific actions related to the particular needs and problems of landlocked developing countries: outcome of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation

30. *The Committee took note of the information contained in paragraph 66.*

Item 59. Advancement of women

31. *The Committee decided to recommend to the General Assembly the suggested allocation for the annual report of the Administrator of the United Nations Development Programme on the operations, management and budget of the United Nations Development Fund for Women.*

Item 60 (a). New Partnership for Africa's Development: progress in implementation and international support

32. *The Committee took note of the information contained in paragraph 68.*

Item 67. Promotion and protection of human rights

33. *The Committee took note of the information contained in paragraph 69.*

Item 91. General and complete disarmament

34. *The Committee decided to recommend to the General Assembly that the relevant paragraphs of the report of the International Atomic Energy Agency should be drawn to the attention of the First Committee in connection with its consideration of item 91.*

Item 102. Report of the Secretary-General on the work of the Organization

35. *The Committee decided to recommend to the General Assembly that it should hear a brief presentation by the Secretary-General of his annual report prior to the opening of the general debate.*

Item 112. Revitalization of the work of the General Assembly

36. *The Committee decided to recommend to the General Assembly that item 112 should be allocated to all the Main Committees for the sole purpose of considering and taking action on their respective tentative programmes of work.*

Item 121. Programme planning

37. *The Committee decided to recommend to the General Assembly that item 131 should be allocated to all the Main Committees and to the plenary Assembly to enhance discussion of evaluation, planning, budgeting and monitoring reports.*

Item 131. Administration of justice at the United Nations

38. *The Committee decided to recommend to the General Assembly that item 131 should be allocated to the Fifth Committee and to the Sixth Committee in the light of resolution 62/228 and decision 62/519.*

Item 61. Report of the Human Rights Council

39. **The Chairman** said that during the sixty-second session, the report of the Human Rights Council had been allocated to the Third Committee.

40. **Mr. Renié** (France), speaking on behalf of the European Union, said that the procedure adopted at the sixty-second session should be modified and that the report of the Human Rights Council should be considered directly in the plenary meeting. Such a procedure would allow human rights to be addressed as a cross-cutting issue throughout the machinery of the Organization and allow the Council's report to be addressed with due depth and seriousness.

41. **Mr. Argüello** (Argentina) said that the report of the Human Rights Council should be considered directly in the plenary meeting, in contrast to the practice of the previous two sessions.

42. **Mr. Wolfe** (Jamaica) said that his delegation's position that the report of the Human Rights Council should be allocated to the Third Committee would not change during the current session. Indeed, the manner in which the Third Committee had handled the report during the sixty-second session had proved the fears of some delegations that certain aspects of the report might become unravelled unfounded. On the other hand, splitting consideration of the report between the Third Committee and the plenary meeting, as had been done during the sixty-first session, had proven unsatisfactory.

43. **Mr. Abdelaziz** (Egypt) said that, since discussions and resolutions had gone smoothly in the Third Committee during the previous session, there was no reason to reinvent the wheel during the current session.

44. **Ms. Vaz Patto** (Portugal) said that her delegation maintained its position that the report should be considered directly in the plenary meeting.

45. *At the invitation of the Chairman, Ms. Banks (New Zealand) took a place at the Committee table.*

46. **Ms. Banks** (New Zealand) said that it was important for the report of the Human Rights Council to be considered directly in the plenary meeting in order to reflect that Council's status and mandate, and that more time should be allotted to discussion of the item. A number of countries, including Liechtenstein, Norway and Switzerland had also taken that position.

47. **Ms. Cross** (United Kingdom) said that the position that the report should be considered directly in the plenary meeting had nothing to do with any fears about the way it would be handled by the Third Committee, but with the fact that the Human Rights Council had evolved beyond the institutional building phase and should have its role and status within the United Nations system recognized.

48. *At the invitation of the Chairman, Mr. Ochoa (Mexico) took a place at the Committee table.*

49. **Mr. Ochoa** (Mexico) said that the previous year's procedure had been an exceptional case, and that he agreed with those who had called for more time to be allotted to consideration of the item.

50. **Mr. Renié** (France) said that there was no intention to challenge the way the report had been handled by the Third Committee during the previous session, but that consideration of the report directly in the plenary meeting would reflect the important role of the Human Rights Council within the Organization and would moreover streamline the Third Committee's heavy agenda.

51. **Mr. Brody** (Hungary) said his delegation agreed that although the Third Committee had handled the report in a professional manner during the previous session, the plenary meeting was nonetheless the proper place for considering it.

52. **Mr. Yáñez-Barnuevo** (Spain), endorsing the proposal that the Human Rights Council report should be considered directed in the plenary meeting, suggested that more time might be needed to consider the item.

53. **Mr. Beck** (Solomon Islands) said that consideration of the report by the Third Committee had been particularly useful to countries that had no delegations in Geneva, but that in the absence of a consensus, the item should be deferred for further discussion.

54. **Ms. Pi** (Uruguay) said that the report of the Human Rights Council should go directly to the plenary meeting.

55. **Mr. González** (Costa Rica) said that the previous session's procedure should not be taken as a precedent, and that the plenary meeting was the most appropriate forum for discussion of the report of the Human Rights Council.

56. **Mr. Guo Jiakun** (China) said that the Third Committee, as the United Nations body traditionally responsible for human rights affairs, was the appropriate forum for consideration of the report. There was no reason to change a practice that had been effective in the past.

57. **Mr. Swe** (Myanmar) said that consideration of the report by the Third Committee had proven effective in the past.

58. **Mr. Asami** (Niger) said that the report should be considered in the Third Committee.

59. **The Chairman** said that, having heard the statements just made and taking into account that further consultation was required, he would suggest that the General Committee should defer its consideration of the allocation of item 61.

60. *It was so decided.*

Plenary Assembly

61. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 33, 55 (b), 60 (a), 61, 67, 107 (k), 107 (l), 121 and 158.*

First Committee

62. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 82, 112 and 121.*

Special Political and Decolonization Committee

63. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 40, 112 and 121.*

Second Committee

64. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 59, 112 and 121.*

Third Committee

65. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 58 (e), 112 and 121.*

Fifth Committee

66. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 112 and 121.*

Sixth Committee

67. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 112, 121, 131, 153, 154 and 160.*

The meeting rose at 4.30 p.m.